DOCID: 4115646

Phillips Pamela N NSA-DJ4 USA CIV

From: Phillips Pamela N NSA-DJ4 USA CIV (b)(3)-P.L. 86-36
Sent: Friday, August 02, 2013 9 25 AM
To: Blacker Cindy S NSA-DJ41 USA CIV; [redacted] NSA-DJ41 USA CIV; [redacted] NSA-DJ41 USA CIV; [redacted] NSA-DJ41 USA CIV; [redacted] NSA-DJ41 USA CIV; [redacted] NSA-DJ41 USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV, Phillips Pamela N NSA-DJ4 USA CIV
Subject: (U) FOIAs for PRISM Information
Signed By: pnphill@nsa ic gov

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36
(b)(5)

FACO,

(U~~//FOUO~~) Here is the full email string regarding the requests for PRISM information so you understand the background. [redacted]

(U~~//FOUO~~) Paul is going to pull together any releasable UNCLASSIFIED documents that were created that mention PRISM that we will provide to all these requesters [redacted]

(U~~//FOUO~~) For those that requested PRISM and the BR Secondary Order, we will get the BR Order stamped and sealed as well.

(U~~//FOUO~~) Please let me know if there are any other outstanding issues on your PRISM requests that I need to address to help you.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U) (b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Friday, August 02, 2013 9:14 AM
To: [redacted] USA CIV
Cc: [redacted] USA CIV; [redacted] USA CIV
Subject: RE: (U) ACTION -- FOIAs for PRISM Information - [redacted] (b)(3)-P.L. 86-36 (b)(5)

Classification: ~~TOP SECRET//SI//NOFORN~~

(U) Thank you!

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office

Approved for Release by NSA on 05-02-2014, FOIA Case # 75752

DOCID: 4115646

Ops2A1118, Suite 6248
966-4071s [redacted] (U)

(b)(3)-P.L. 86-36

From: [redacted] USA CIV
Sent: Thursday, August 01, 2013 5:22 PM
To: Phillips Pamela N NSA-DJ4 USA CIV
Cc: [redacted] USA CIV; [redacted] USA CIV
Subject: FW: (U) ACTION -- FOIAs for PRISM Information -- [redacted]

(b)(3)-P.L. 86-36
(b)(5)

Classification: ~~TOP SECRET//SI//NOFORN~~

Pamela,

(U~~//FOUO~~) [redacted]

Thanks,

[redacted]

From: [redacted] USA CIV
Sent: Thursday, August 01, 2013 5:13 PM
To: [redacted] USA CIV
Cc: [redacted] USA CIV
Subject: FW: (U) ACTION -- FOIAs for PRISM Information [redacted]

Classification: ~~TOP SECRET//SI//NOFORN~~

Remember the question Pamela Phillips asked us about regarding PRISM-related FOIA requests, where she was looking to see if SID [redacted]

All of the background is included, too, in case you want to refresh your memory.

(b)(3)-P.L. 86-36
(b)(5)

(U~~//FOUO~~)

[redacted]

(b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Thursday, August 01, 2013 5:08 PM
To: [redacted] USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE: (U) ACTION -- FOIAs for PRISM Information -- [redacted]

Classification: ~~TOP SECRET//SI//NOFORN~~

(U//FOUO)

Email is fine!

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s (U)

(b)(3)-P.L. 86-36
(b)(5)

From: USA CIV
Sent: Thursday, August 01, 2013 5:06 PM
To: Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE: (U) ACTION -- FOIAs for PRISM Information --

Classification: ~~TOP SECRET//SI//NOFORN~~

Will an e-mail from him be good?

(U//FOUO)

(b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Thursday, August 01, 2013 5:02 PM
To: USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE: (U) ACTION -- FOIAs for PRISM Information -

Classification: ~~TOP SECRET//SI//NOFORN~~

(U//FOUO) Looks great.

I'm guessing you have also been very busy again this week.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s (U)

From: [redacted] USA CIV
Sent: Thursday, August 01, 2013 4:58 PM
To: Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV
Cc: [redacted] USA CIV
Subject: FW: (U) ACTION -- FOIAs for PRISM Information -- [redacted]

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36
(b)(5)

How's this?

(U//~~FOUO~~) [redacted]

(b)(3)-P.L. 86-36

From [redacted] USA CIV
Sent: Thursday, August 01, 2013 4:03 PM
To: [redacted]
Cc: [redacted]

Subject: RE: (U) ACTION -- FOIAs for PRISM Information -- [redacted]

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36
(b)(5)

Thanks [redacted]

[redacted] sorry for the delay. We had numerous DIRNSA taskers today, which had us distracted. I'm just catching up now.

Here's what we have.

(~~TS//SI//NF~~) [redacted]

[redacted]

(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)
(b)(3)-18 USC 798
(b)(5)

(U//~~FOUO~~)

(b)(3)-P.L. 86-36

From: USA CIV
Sent: Thursday, August 01, 2013 10:17
To: USA CIV
Cc:

Subject: RE: (U) ACTION -- FOIAs for PRISM Information --

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36
(b)(5)

(b)(1)
(b)(3)-P.L. 86-36
(b)(5)

Attorney
Office of General Counsel - Operations
963-3121

(b)(3)-P.L. 86-36

From: USA CIV
Sent: Thursday, August 01, 2013 10:05 AM
To: USA CIV
Cc:

Subject: RE: (U) ACTION -- FOIAs for PRISM Information

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36
(b)(5)

H

I'll try to get you something in a little while.

~~(U//FOUO)~~

DOCID: 4115646

(b)(3)-P.L. 86-36
(b)(5)

From: USA CIV
Sent: Thursday, August 01, 2013 08:00
To: USA CIV
Cc:
Subject: RE: (U) ACTION -- FOIAs for PRISM Information --

Classification: ~~TOP SECRET//SI//NOFORN~~

Just checking back any progress?

(b)(3)-P.L. 86-36

(U//FOUO)

From: USA CIV
Sent: Monday, July 29, 2013 1:38 PM
To: USA CIV
Cc:
Subject: RE: (U) ACTION -- FOIAs for PRISM Information --

Classification: ~~TOP SECRET//SI//NOFORN~~

Ok, thanks.

(b)(3)-P.L. 86-36
(b)(5)

We'll get something to you tomorrow or Wednesday.

(U//FOUO)

From USA CIV
Sent: Monday, July 29, 2013 13:37
To: USA CIV

Cc:

Subject: RE: (U) ACTION -- FOIAs for PRISM Information -

Classification: ~~TOP SECRET//SI//NOFORN~~

(U~~//FOUO~~)

(b)(3)-P.L. 86-36
(b)(5)

(b)(3)-P.L. 86-36

From: USA CIV
Sent: Monday, July 29, 2013 1:34 PM
To: USA CIV
Cc:

Subject: RE: (U) ACTION -- FOIAs for PRISM Information -

Classification: ~~TOP SECRET//SI//NOFORN~~

(U~~//FOUO~~)

(b)(3)-P.L. 86-36

From: USA CIV
Sent: Monday, July 29, 2013 13:32
To: USA CIV
Cc:

Subject: FW: (U) ACTION -- FOIAs for PRISM Information -

Classification: ~~TOP SECRET//SI//NOFORN~~

Please see below from Pamela Phillips, FOIA chief. [redacted]

[redacted]

[redacted]

(U//~~FOUO~~)

[redacted]

(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36
(b)(5)

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Monday, July 29, 2013 1:23 PM
To: [redacted] USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE: (U) ACTION -- FOIAs for PRISM Information - [redacted]

Classification: ~~TOP SECRET//SI//NOFORN~~

[redacted]

(U//~~FOUO~~) [redacted]

[redacted]

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

From: [redacted] USA CIV (b)(3)-P.L. 86-36
Sent: Sunday, July 28, 2013 8:58 AM
To: Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV
Cc: [redacted] USA CIV
Subject: FW: (U) ACTION -- FOIAs for PRISM Information -- [redacted]

Classification: ~~TOP SECRET//SI//NOFORN~~

Does this give you want you need? [redacted] which I can do if you need me to). If not, please let me know what else you may need.

[redacted]

(U//~~FOUO~~)

[redacted]

(b)(3)-P.L. 86-36

From: [redacted] USA CIV
Sent: Thursday, July 25, 2013 6:00 PM
To: [redacted] USA CIV; [redacted] USA CIV
Cc: [redacted]

[redacted]

Subject: RE: (U) ACTION -- FOIAs for PRISM Information - [redacted]

(b)(3)-P.L. 86-36
(b)(5)

Classification: ~~TOP SECRET//SI//NOFORN~~

Hi [redacted]

[redacted]

Please let us know if you need anything further [redacted]

[redacted]

(U//~~FOUO~~)

[redacted]

(b)(3)-P.L. 86-36

From: [redacted] USA CIV
Sent: Thursday, July 11, 2013 17:20
To: [redacted] USA CIV
Cc: [redacted]

[redacted]

Subject: (U) ACTION -- FOIAs for PRISM Information - [redacted]

(b)(3)-P.L. 86-36
(b)(5)

DOCID: 4115646

Classification: ~~TOP SECRET//SI//NOFORN~~ (b)(3)-P.L. 86-36

[redacted]

Note – This is NOT a request for anyone to search for records that are responsive to any FOIA request!

As we discussed on the phone, there have been numerous FOIA requests for PRISM-related material since the leaks began. The FOIA office has been working with requesters to narrow the requests as much as possible; however, for some, there's just no way to narrow the scope. We are required to respond with anything that is either unclassified or segregable. For FOIA purposes, segregable info is info that appears in a document and that is not classified, but would be responsive/meaningful to the requester (in other words, a paragraph or sentence in some document that would be meaningfully segregable and tell the requester something about what he's asking). Under FOIA, we can withhold from release info that is either classified or FOUO. The issue at hand is whether there would be any PRISM-related material – other than the talking points that have been created/used over the last month or so – that is unclassified. [redacted]

[redacted]

You'll see below the discussion that Pamela Phillips, the chief of the FOIA office, and I have been having over the past week or so about this. She explains beautifully the issue, some history, as well as the options we have. She also included a synopsis of some of the requests. It's important to note that the Talking Points that have been created for the DNI, DIR, DDIR, etc., to use in unclassified settings may be responsive and will be provided to requesters if that is the case. Those are separate from NSA's classified/FOUO records.

[redacted]

Please don't hesitate to call me if you have questions, although I will be on vacation from 13-23 July. I'm asking that you get back to me with your thoughts by 26 July. I'll be here tomorrow (Friday), so you can reach me then if you need to.

(b)(3)-P.L. 86-36
(b)(5)

Thanks very much for helping with this.

[redacted]

~~(U//FOUO)~~ (b)(3)-P.L. 86-36

[redacted]

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Tuesday, July 09, 2013 4:56 PM
To: [redacted] USA CIV

DOCID: 4115646

Cc: Blaskowski Paul J NSA-DJ4 USA CIV; Phillips Pamela N NSA-DJ4 USA CIV (b)(3)-P.L. 86-36
Subject: RE: (U) FOIAs for PRISM Information (b)(5)

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36

(U~~//FOUO~~) Based on our conversation this morning, I believe the next step is for SID to task the appropriate [redacted] We know that there have been some unclassified statements made in testimony and talking point regarding 702 collection. To the extent we have those statements and/or talking points, that will be releasable. [redacted]

(U~~//FOUO~~) [redacted] they should be provided to DJ4 for review We would add those to any unclassified statements and talking points for consideration for release.

(U~~//FOUO~~) [redacted]

(U~~//FOUO~~) [redacted] Let me know if you need additional information from me. I do not profess to be knowledgeable about the program, so it is hard for me to define where the limits should be on these requests and know what the specific implications are of each request for SID. I am happy to keep working with SID to make this doable and defensible.

Pamela

(U)
Pamela N. Phillips
Chief, DJ4 (b)(3)-P.L. 86-36
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Wednesday, July 03, 2013 7:51 AM
To: [redacted] USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; [redacted] NSA-DJ USA CIV [redacted] NSA-DJ USA CIV; Phillips Pamela N NSA-DJ4 USA CIV
Subject: RE: (U) FOIAs for PRISM Information

Classification: ~~TOP SECRET//SI//NOFORN~~

[redacted]

(U~~//FOUO~~) Good question, and it's complicated. We have to process a FOIA request based on what is or is not releasable at the time the release decision is made. We can't predict that after we deny information, a new

classification guide may come out 2 months later that releases more information. If that happens, someone would have to submit a new request, and we'd have to do the review based on the new guidance (or if it happens while information is on appeal, we handle it on appeal).

I can't look into the future and answer those questions. (If someone knows at this point that information is likely to be declassified, or those decisions are already in the works, we don't want to deny now.)

(U//~~FOUO~~) So, we could deny it all today based on current classification, and later a new decision may be made If we get a new request, or if the requester appeals prior to the declassification decision, we might have to redo it all.

(U//~~FOUO~~) But we could sit here waiting to process any of these cases "just in case" declassification decision,

(U//~~FOUO~~)

(U//~~FOUO~~)

Pamela

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s (U)

(b)(3)-P.L. 86-36
(b)(5)

From: USA CIV (b)(3)-P.L. 86-36
Sent: Wednesday, July 03, 2013 7:22 AM
To: Phillips Pamela N NSA-DJ4 USA CIV
Cc: Blaskowski Paul J NSA-DJ4 USA CIV; NSA-DJ USA CIV; NSA-DJ USA CIV; USA CIV
Subject: RE: (U) FOIAs for PRISM Information

Classification: ~~TOP SECRET//SI//NOFORN~~

Hi,

[redacted]

(U//~~FOUO~~)

[redacted]

(b)(3)-P.L. 86-36
(b)(5)

(b)(3)-P.L. 86-36

From: Phillips Pamela N NSA-DJ4 USA CIV
Sent: Tuesday, July 02, 2013 3:02 PM
To: [redacted] USA CIV
Cc: Phillips Pamela N NSA-DJ4 USA CIV; Blaskowski Paul J NSA-DJ4 USA CIV [redacted] NSA-DJ USA CIV; [redacted] NSA-DJ USA CIV
Subject: (U) FOIAs for PRISM Information

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36
(b)(5)

[redacted]

(U//~~FOUO~~) As I mentioned on the phone, we have several FOIA requests for information on PRISM. These requests do not appear to be from media requesters, but are from individuals who have been made aware of alleged NSA activities through extensive media reporting on NSA recently. We have been working/negotiating with requesters on many of the other topics to narrow the requests down to lessen the impact of searches in organizations and of reviews. However, for many of the requests listed below, there is no way to scope or narrow the requests [redacted]

[redacted]

(U//~~FOUO~~) We'd like to know whether there is anything relating to PRISM that is unclassified, or could be segregated from classified records, that would be releasable – other than any talking points created at the unclassified level that may address the program. Under FOIA, information may be protected if it is classified under (b)(1), or if it is unclassified and exempt for some other reason (like core functions and activities of the Agency under (b)(3)/Public Law 86-36). [redacted]

[redacted]

(U//~~FOUO~~) [redacted]

[redacted]

(b)(3)-P.L. 86-36
(b)(5)

- (U//FOUO)
- (U//FOUO)
- (U//FOUO)
- (U//FOUO)
- (TS//SI//NF)
- (U//FOUO)
- (U//FOUO)
- (TS//SI//NF)

(U//FOUO) As worded, many of the requests are very broad, To the extent that we have any unclassified talking points/testimony/fact sheets that we can provide great. Who the requesters are should not sway the decision, however, as we need to be able to support the decisions regardless of who requests – even

DOCID: 4115646

media. [redacted]

(U) Thanks! Please let me know if you'd like to discuss or if you have other questions.

Pamela

(b)(3)-P.L. 86-36
(b)(5)

(U)
Pamela N. Phillips
Chief, DJ4
Freedom of Information Act/Privacy Act Office
Ops2A1118, Suite 6248
966-4071s [redacted] (U)

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: [redacted]
(b)(3)-P.L. 86-36
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

DOCID: 4115646

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
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Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380701

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By:
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: 273774
Derived From: NSA/CSSM 1-52

Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

(b)(3)-P.L. 86-36

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: 259955
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~

Classified By: 273774
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20380801

Classification: ~~TOP SECRET//SI//NOFORN~~